

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT facility

DONALD O. SALAREA,

Plaintiff,

v.

DOCTORS OF MENTAL HEALTH AT  
WASHINGTON CORRECTIONS CENTER *et*  
*al.*,

Defendants.

Case No. C05-5679RJB

SECOND ORDER TO AMEND THE  
COMPLAINT

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has been given leave to proceed *in forma pauperis*.

On November 11<sup>th</sup>, 2005 the court entered an order requiring plaintiff to file an amended complaint that named the defendants. (Dkt. # 6). Since that time plaintiff has filed two service order forms. One form names Eric Currier and the other form names Roberta Knesse. (Dkt. Staff note dated December 19<sup>th</sup>, 2005).

Plaintiff did not file an amended complaint that tells the court what these two people did and

ORDER

1 why plaintiff believes these two people to be proper defendants.

2 In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that (1) the conduct  
3 complained of was committed **by a person** acting under color of state law and that (2) the conduct  
4 deprived a person of a right, privilege, or immunity secured by the Constitution or laws of the United  
5 States. Parratt v. Taylor, 451 U.S. 527, 535 (1981), *overruled on other grounds*, Daniels v.  
6 Williams, 474 U.S. 327 (1986) (emphasis added). Section 1983 is the appropriate avenue to remedy  
7 an alleged wrong only if both of these elements are present. Haygood v. Younger, 769 F.2d 1350,  
8 1354 (9th Cir. 1985), *cert. denied*, 478 U.S. 1020 (1986).

9 Plaintiff still needs to file an amended complaint. Plaintiff will also need to send the court a  
10 copy of the complaint. The court will not order the United States Marshals Service to attempt  
11 service by mail without copies of the complaint and filled out service forms. The amended complaint  
12 will act as a complete substitute for the original and must be received on or before **February 3rd,**  
13 **2006** or the court will enter a Report and Recommendation that this action be dismissed.

14 The Clerk is directed to send a copy of this Order to plaintiff, and note the due date for the  
15 amended complaint as **February 3<sup>rd</sup>, 2006.**

16  
17 DATED this 3<sup>rd</sup> day of January, 2006.

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20 /s/ J. Kelley Arnold  
21 J. Kelley Arnold  
22 United States Magistrate Judge  
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ORDER